

AMENDED IN SENATE JUNE 2, 2005

CALIFORNIA LEGISLATURE—2005–06 REGULAR SESSION

ASSEMBLY BILL

No. 428

Introduced by Assembly Member Gordon

February 15, 2005

An act to amend Section 25761 of the Business and Professions Code, relating to alcoholic beverages.

LEGISLATIVE COUNSEL'S DIGEST

AB 428, as amended, Gordon. Alcohol Beverage Control Fund: grant assistance program.

Existing law requires all money collected as fees under the Alcoholic Beverage Control Act be deposited in the State Treasury to the credit of the ~~Alcoholic~~ Alcohol Beverage Control Fund for specified purposes.

This bill would make legislative findings regarding the Department of Alcoholic Beverage Control's grant assistance program and provide, upon appropriation by the Legislature, that money in the fund shall also be used in an amount necessary for the support of the program, *as provided*.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. The Legislature finds and declares all of the
- 2 following:
- 3 (a) In 1995, the Department of Alcoholic Beverage Control
- 4 embarked on a new and innovative approach to broaden and
- 5 increase the level of alcoholic beverage law enforcement by

1 working in partnership with cities and counties through a grant
2 assistance program. The mission of the grant assistance program
3 is to work with law enforcement agencies to develop an effective,
4 comprehensive, and strategic approach to eliminating the crime
5 and public nuisance problems associated with problem alcoholic
6 beverage outlets, and then to institutionalize those approaches
7 within the local police agency.

8 (b) Communities with a high concentration of alcohol outlets
9 experience a greater number of alcohol-related problems.
10 Problematic operations contribute disproportionately to the
11 incidence of drug dealing, public drunkenness, drunk driving,
12 underage drinking, assaults, and other conditions that breed
13 neighborhood decay. Excessive complaints and calls for service
14 at problem outlets divert already scarce police resources.

15 (c) Fiscal constraints at the state and local level have greatly
16 reduced law enforcement staff assigned to alcoholic beverage
17 law enforcement. Many of the state's police and ~~sheriff's~~
18 *sheriffs'* departments have been forced to reprioritize their
19 missions and divert their ABC-related enforcement resources to
20 other areas such as violent crime suppression and street patrol.
21 However, there is now a strong movement by cities and
22 communities for more rigorous enforcement to control the
23 increasing number of alcohol outlets that have become focal
24 points for crime.

25 (d) The grant assistance program is a successful model in law
26 enforcement collaboration that results in a more effective use of
27 human resources, a reduction in crime, and a more efficient use
28 of taxpayer funds. The success can be measured quantitatively by
29 the reduction in alcohol-related arrests, crimes, and calls for
30 services in many jurisdictions. Further quantitative measures
31 include the number of administrative accusations registered,
32 arrests and citations, decoy programs, and community outreach
33 meetings. Qualitative measures include declarations of
34 satisfaction from local officers and community members, and
35 visible improvements in the physical conditions of targeted
36 communities.

37 (e) The grant assistance program is a vital tool in the
38 enforcement of alcohol laws, preserves the safety, welfare,
39 health, and morals of the people of this state, and should receive
40 a steady and secure source of funding.

1 SEC. 2. Section 25761 of the Business and Professions Code
2 is amended to read:

3 25761. All money collected as fees pursuant to this division,
4 as payments under Section 23096, and under the excise tax
5 provisions of this division or Part 14 (commencing with Section
6 32001) of Division 2 of the Revenue and Taxation Code shall be
7 deposited in the State Treasury to the credit of the Alcohol
8 Beverage Control Fund, which fund is continued in existence.

9 The money in the Alcohol Beverage Control Fund shall be
10 expended as follows:

11 (a) The amount necessary for the allowance of the refunds
12 provided for in this division or Part 14 (commencing with
13 Section 32001) of Division 2 of the Revenue and Taxation Code
14 is hereby appropriated, without regard to fiscal years, to the
15 Controller for payment of these refunds.

16 (b) All money derived as payment under Section 23096 and
17 from excise taxes under Part 14 (commencing with Section
18 32001) of Division 2 of the Revenue and Taxation Code
19 remaining after compliance with subdivision (a) shall be
20 transferred to the General Fund on the order of the Controller.

21 (c) All original license fees paid on or after July 1, 1998,
22 pursuant to Section 23954.5 shall remain in the Alcohol
23 Beverage Control Fund.

24 (d) All other money collected as fees and deposited in the
25 Alcohol Beverage Control Fund shall be allocated, upon
26 appropriation by the Legislature, to the Department of Alcoholic
27 Beverage Control for the enforcement and administration of the
28 Alcoholic Beverage Control Act.

29 (e) Money transferred to the General Fund pursuant to
30 subdivision (b) shall be in lieu of any assessment that would be
31 made on the Department of Alcoholic Beverage Control pursuant
32 to Section 11270 and following of the Government Code.

33 (f) Upon appropriation by the Legislature, the amount
34 necessary for the support of the Department of Alcoholic
35 Beverage Control's grant assistance program. *This amount shall*
36 *be sufficient to cover the salaries and benefits of the alcohol*
37 *beverage control peace officer positions dedicated to this*
38 *program. However, based on the available revenue in the*
39 *Alcohol Beverage Control Fund, the amount shall not be less*

- 1 *than one million five hundred thousand dollars (\$1,500,000) and*
- 2 *not more than three million dollars (\$3,000,000).*

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